
KING COUNTY
OFFICE OF CITIZEN COMPLAINTS

TRIENNIAL REPORT

May – August 2007

Presented to the
Metropolitan King County Council

September 17, 2007

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INTRODUCTION

The Office of Citizen Complaints – Ombudsman is required to report to the Metropolitan King County Council on the 15th of January, May, and September of each year on the activities of the Office for the preceding calendar period per KCC 2.52.150. This report summarizes Office activities for May 1 through August 31, 2007.

During the report period, the Office of Citizen Complaints received 805 inquiries. The majority of contacts to the Office were handled through information and assistance. We initiated 35 complaint investigations, and completed 20 investigations.

BACKGROUND

The Office of Citizen Complaints – Ombudsman investigates complaints about the administrative conduct of King County executive branch agencies. In addition, the Ombudsman investigates alleged violations of the King County Employee Code of Ethics as well as reports of improper governmental action and retaliation under the Whistleblower Protection Code.

The mission of the Office is to promote public confidence in King County government by responding to citizen complaints in an impartial, efficient and timely manner, and to contribute to the improved operation of County government by making recommendations based upon the results of complaint investigations.

INQUIRY CLASSIFICATION

The Office of Citizen Complaints classifies citizen inquiries into three categories:

Information: Request for information or advice which may result in referral.

Assistance: Complaint resolved through staff-level inquiry and facilitation.

Investigation:¹ Complaint is not resolvable through assistance, or is potentially systemic. Following preliminary review, complaint is summarized and transmitted to department director for response.

Investigations involve independent factual research, including witness interviews, evidence collection and review, analysis of applicable laws, policies/procedures, standards, etc.

Investigations seek to determine if the complaint is supported or unsupported, and to resolve the problem. Investigations may result in recommendations to departments for improved practices or policy changes, or for legislative change. Investigations are closed with a finding of resolved, supported, unsupported, or discontinued.

Complainants, respondents, directors of administrative agencies, and other parties of record are provided with the results of our findings.

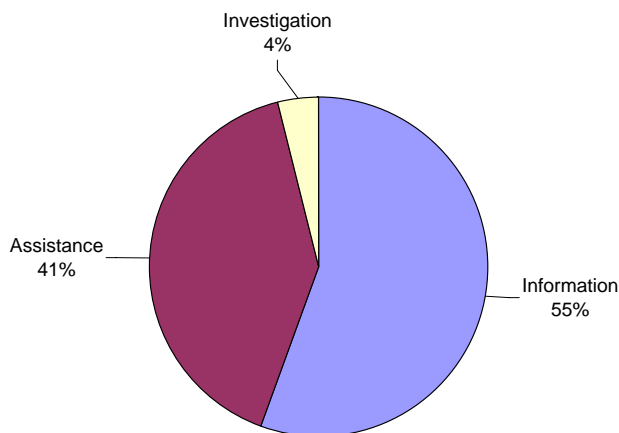
¹ Investigations include citizen complaints, alleged violations of the ethics code, reports of improper governmental action pursuant to the whistleblower protection code, whistleblower retaliation complaints, and ombudsman-initiated investigations.

OMBUDSMAN STATISTICS

Table A
Total Inquiries Received
May – August 2007

Department	Information	Assistance	Investigation	Total
Adult and Juvenile Detention	59	107	13	179
Assessor	8	3	0	11
Boards and Commissions	0	0	0	0
Community and Human Services	15	3	1	19
Development and Environmental Services	11	37	2	50
District Court	6	1	0	7
Executive	2	0	0	2
Executive Services	21	11	1	33
Judicial Administration	0	4	0	4
Metropolitan King County Council	15	11	0	26
Natural Resources and Parks	12	11	0	23
Prosecuting Attorney's Office	8	2	0	10
Public Health	24	107	13	144
Sheriff's Office	11	16	2	29
Superior Court	17	0	0	17
Transportation	21	14	0	35
Non-jurisdictional ²	225	5	0	225
Total	455	332	32	819

Chart A
Disposition of Total Inquiries Received
May – August 2007



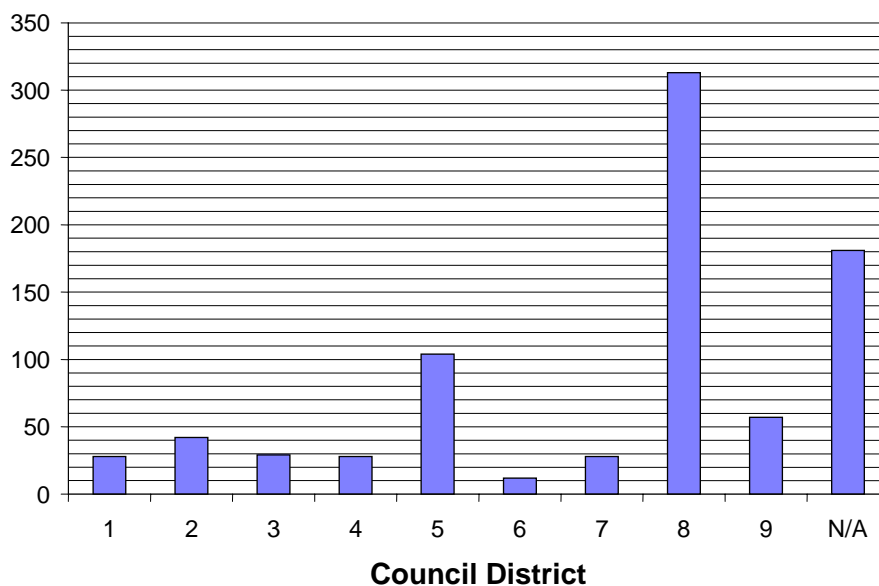
² The non-jurisdictional category represents inquiries about non-jurisdictional city, state, federal, non-profit, or other private entities.

OMBUDSMAN STATISTICS

Table B
Inquiries by Council District
May – August 2007

District	Councilmember	Inquiries
1	Bob Ferguson	28
2	Larry Gossett	42
3	Kathy Lambert	29
4	Larry Phillips	28
5 ³	Julia Patterson	104
6	Jane Hague	12
7	Pete von Reichbauer	28
8 ⁴	Dow Constantine	313
9	Reagan Dunn	57
N/A	Unavailable	178
Total		819

Chart B
Inquiries by Council District
May – August 2007



³ Inquiries for this district may be higher due to the number of calls from the Kent Jail facility.

⁴ Inquiries for this district may be higher due to the number of calls from the Seattle Jail facility.

COMPLETED INVESTIGATIONS⁵

DEPARTMENT OF ADULT AND JUVENILE DETENTION

Synopsis	Disposition
Excessive force, inadequate internal investigation, and inappropriate use of polygraph.	Unsupported. Reviewed complainant's written allegations, and complete, unredacted internal investigation file, including timelines, chronology, investigative memoranda and reports, Inmate Infraction Report and Record of Disciplinary Hearing, roster lists and notes, medical records, photo montage, and transcript of complainant's interview with IIU. Determined that evidence does not support excessive force allegation; IIU investigation was adequate and complete; and use of polygraph was appropriate. Provided detailed written analysis and findings to complainant and department director.
Officers have neglected to respond to inmates calls for medical attention.	Indeterminate. Transmitted the complaint to DAJD Director. Received Agency response that was deemed adequate. Unable to make a finding in this matter. Mailed a letter to complainant relaying the same. Closing case.
Constitutional rights violated by improper classification in administrative segregation based only on court-ordered "phone deadlock."	Unsupported. Interviewed complainant and appropriate jail staff members. Obtained and reviewed relevant court records. Conducted independent legal research and analysis. Consistent with relevant case law, inmate's classification in administrative segregation is permissible under the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution, based on trial judge's consideration of evidence presented on prosecutor's motion seeking "phone deadlock" order, even though inmate has no jail disciplinary infractions. Provided detailed written explanation to inmate.
Citizen called to complain that he had been assaulted by corrections officers and that his glasses had been deliberately broken by staff.	Unsupported. Reviewed Infractions reports, Jail Incident reports, complainant's statements and other various documents. Allegations that complainant was assaulted by officers and that his glasses had been deliberately broken by staff were unsupported. Transmitted finding to Facility Commander and complainant.

⁵ Open, ongoing investigations are not subject to public disclosure, and are therefore not included in the investigation synopsis.

Synopsis	Disposition
Caller is complaining regarding Visiting area reception.	Referred the matter over to the KC Jail where a shift commander looked into it, found it unsupported, but reiterated policies and procedures. Relayed this to complainant. Complainant was satisfied with this result.
Inmate reports harassment and unfair treatment by corrections officer.	Inmate complained that he lost "yard time" unfairly. He filed a grievance and it was responded to by a King County Correction Staff Sergeant who indicated that the inmate lost his yard time due to inappropriate behavior. Due to the infrequent nature of this complaint and lack of any substantiation that it was wrongful, this matter was closed and the inmate was notified via telephone.
Complainant alleges excessive force during booking.	Discontinued. Complainant filed claim for damages. Investigation was closed pursuant to KCC 4.12.060(B).
Alleges Corrections Officer required inmate to negotiate stairs to Jail Clinic while inmate was using crutches. Inmate fell and sustained injuries necessitating transfer and treatment at Harborview.	Discontinued. Complainant's recently-filed claim for damages includes fall down clinic stairs. Therefore, investigation is discontinued pursuant to KCC 4.12.060(B).
Inmate improperly held in disciplinary deadlock and not allowed out of cell for ten days.	Unsupported, but concern expressed. Interviewed complainant, obtained and reviewed infraction report, disciplinary hearing record, and disciplinary deadlock log book. Researched and reviewed relevant jail policies, American Correctional Association (ACA) standards, and Eighth Amendment constitutional requirements. Records showed that complainant was afforded time out of cell 3 times per week, in accord with jail policies and there was no constitutional violation. Provided detailed written findings to complainant and agency. Expressed concern that ACA standard is 5 days out of cell per week.
Jail Personal Recognizance staff failed to contact employer to verify employment. As a result, complainant missed shifts at work and employer had no idea of complainant's whereabouts.	Unsupported. Complainant provided employer name, but did not specifically list employer as a reference. PR staff contact only individuals indicated as references by inmates. Further, PR screener would have made contact with employer for the purpose of verifying employment, not to inform employer that complainant was in custody.

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

Synopsis	Disposition
Ombudsman-initiated inquiry as to whether requirement that a citizen waive a multitude of rights in order to enter into a Voluntary Compliance Agreement is "unfair or otherwise objectionable."	Resolved. We have circulated to the Council a Code change proposal that would eliminate the "future waiver" provisions. The Council will decide whether to act on it or not.
What are rules involving what Code Enforcement can do, when, on private property under various scenarios.	Resolved. Not surprisingly, the issue is legally complex and requires a case-by-case analysis. The short answer is that, in and of itself, simply posting a "No Trespassing" sign will not suffice to bar Code Enforcement's access.
Alleges former code enforcement officer made threats against complainant in 2005.	Declined. Plaintiffs' complaints about threats by code enforcement officer are very old, and in fact the accused officer is no longer a County employee.

DEPARTMENT OF EXECUTIVE SERVICES

Synopsis	Disposition
County employee alleges Benefit Access Fee is being incorrectly deducted from paycheck. Dissatisfied with response from Benefits and Retirement Operations.	Unsupported. Contacted BROS and received information indicating that complainant was given instructions and the opportunity to handle this prior to being charged, but complainant did not follow-up.
Anonymous report that county employee used county equipment to do work on private property.	Unsupported. Subject employee presented receipts for tree trimming and asphalt paving that coincided with timing of complaint.

PUBLIC HEALTH

Synopsis	Disposition
Inmate's health concerns have not been adequately met.	Unsupported. Reviewed complainant's medical records. Not enough available evidence to support the complaint. Mailed a letter to the complainant relating the same.
Complainant alleges inadequate medical attention, including denial of crutches and leg brace; failure to attend to head trauma and facial contusions. Alleges refusal of request for treatment at Harborview Medical Center.	Unsupported. Obtained and reviewed DAJD and medical records from JHS, Harborview Medical Center, and Valley Medical Center. Records showed that inmate received adequate and timely medical attention from Medic One, JHS, and HMC. Contrary to inmate's claim, there was no evidence of head trauma, only notation of fracture to right nasal bone, with follow-up scheduled in two weeks.

Synopsis	Disposition
Medical Examiner reported incorrect cause of death on spouse's death certificate.	Unsupported. Interviewed complainant, and Medical Examiner personnel. Obtained and reviewed decedent's medical records, autopsy report, and police reports. While complainant's hypothesis that decedent's heart stopped as a result of minor car collision is not impossible, the weight of available evidence supports Medical Examiner determination that heart stoppage occurred while decedent was driving, prior to collision. There is no preponderance of the evidence that Medical Examiner erred. Provided detailed written findings to complainant.

SHERIFF'S OFFICE

Synopsis	Disposition
Sheriff's Office wrongfully holding complainant's guns after case is over.	Unsupported. After preliminary review, the KCSO was within their rights to withhold the guns. Transmitted the findings to Sheriff and mailed findings to complainant in letter.

TAX ADVISOR STATISTICS

The Tax Advisor Office provides advice and assistance to any person responsible for the payment of property taxes in King County. Tax Advisor staff respond to citizen inquiries regarding the valuation of property, local and state appeal processes, and the property tax computation and collection process.

CONTACT CLASSIFICATION

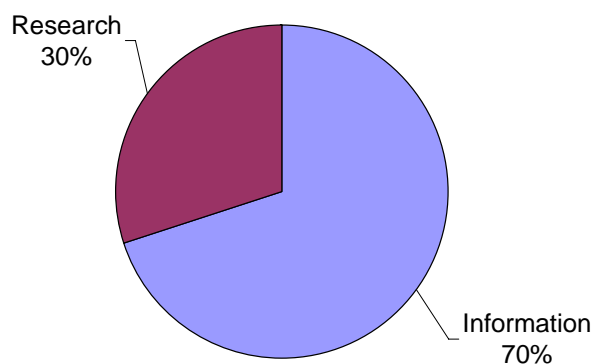
The Tax Advisor Office classifies taxpayer contacts into two categories:

- Information:** Request for information, advice, or assistance which may result in database inquiry and/or referral.
- Research:** Sales survey, and/or inquiry and attempted resolution of taxpayer concerns related to assessments, taxes (payments, billings, and levies), property records, exemptions, and applicable tax codes.

Table C
Total Tax Advisor Contacts
May – August 2007

	Information	Research	Total
May	300	50	350
June	189	74	263
July	182	116	298
August	149	110	259
Total	820	350	1170

Chart C
Total Tax Advisor Contacts
May – August 2007



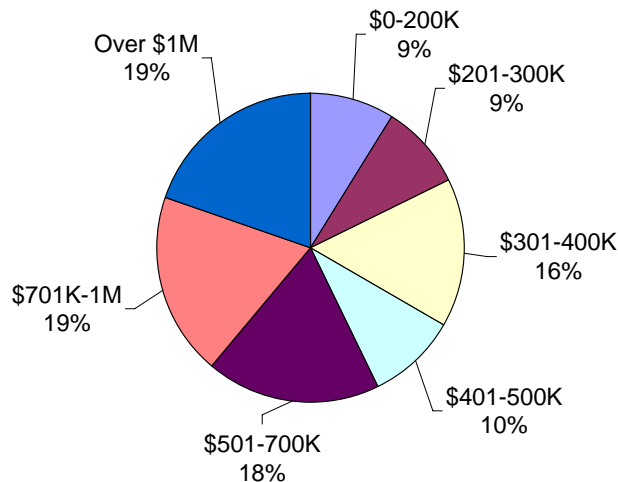
SALES SURVEYS

Residential sales surveys are provided to taxpayers who may wish to appeal their assessed values to the local or state boards. The Office uses the Assessor's CompSales program and other resources to identify sales of similar properties that closed during the lien period in question. Search criteria can be refined and may include such characteristics as lot size, views, and waterfront for land values, and grade, condition and total living area for improvement values. A sales report can be generated which provides sales information for similar, comparable properties including each property's characteristics as measured by the Assessor at the time of sale. This information is useful in helping taxpayers determine whether to appeal the Assessor's valuation, and can also be used as evidence when presenting an appeal.

Table D
Sales Surveys – Assessed Property Value
May – August 2007

Assessed Property Value	Sales Surveys
\$0-200K	15
\$201-300K	26
\$301-400K	42
\$401-500K	36
\$501-700K	55
\$701K-1M	41
Over \$1M	33
Total	248

Chart D
Sales Surveys – Assessed Property Value
May – August 2007



TAX ADVISOR STATISTICS

Table E
Tax Advisor Inquiries by Council District
May – August 2007

District	Councilmember	Inquiries
1	Bob Ferguson	98
2	Larry Gossett	139
3	Kathy Lambert	102
4	Larry Phillips	68
5	Julia Patterson	74
6	Jane Hague	127
7	Pete von Reichbauer	72
8	Dow Constantine	115
9	Reagan Dunn	145
N/A	Unavailable	196
Total		1136

Table E
Inquiries by Council District
May – August 2007

